



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/933,054	08/20/2001	Richard Horn	ZTP 99 P 4011	6717

7590 11/24/2003

LERNER AND GREENBERG, P.A.
PATENT ATTORNEYS AND ATTORNEYS AT LAW
Post Office Box 2480
Hollywood, FL 33022-2480

EXAMINER

TRAN, KHOA H

ART UNIT PAPER NUMBER

3634

DATE MAILED: 11/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/933,054

Applicant(s)

HORN ET AL.

Examiner

Khoan Tran

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8 and 12-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,8 and 12-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

Drawings

The proposed drawings correction and/or the proposed substitute sheets of drawings, filed on September 04, 2003 have been approved.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 12-14 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Pasqualini et al. Pasqualini et al. disclose a refrigerator door comprising a sheet metal refrigerator door having foamed insulation (not shown, see column 1, lines 50-55), an outer free edge portion (16) spaced apart from an inner edge portion (17), a plastic thermal insulation couple (1) being a fastening element of a door seal (11) having connecting edge portion (9) connected to an edge portion (10), wherein the connecting edge portion (9) behave as spring member that substantially thermally uncoupling the edge portion from the free edge portion, see Figure 4, the thermal insulation couple disposed between outer and inner free edge portions in a substantially liquid-tight manner by having a pair of extension (5 and 6) disposed on top of the outer and inner free edge portions and the thermal insulation couple further has a receptacle (7) releasably holding a free edge portion (12) of a door seal (11).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 8, and 12-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Kiel in view of Kordes. Kiel discloses a refrigerator door comprising an outer free edge portion (12) spaced apart from an inner edge portion (14), the outer free edge portion and the inner edge portion being vertically offset in parallel planes, see Figure 1, a plastic thermal insulation couple (22) being a fastening element of a door seal (20) having connecting edge portion (56) that connected to the inner edge portion, wherein the connecting edge portion (56) is substantially thermally uncoupling the inner edge portion from the free edge portion, see Figure 3, the thermal insulation couple disposed between outer and inner free edge portions in a substantially liquid-tight manner by having a free edge connecting portion (48) overlapping and connected to the free edge portion (12) and the thermal insulation couple further has a receptacle that releasably holding a free edge portion (34) of a door seal (20). Kiel does not teach both of the outer free edge portion and the inner edge portion being made of metal material. However Kordes teaches the outer free edge portion (14) and the inner edge portion (22) being vertically offset in parallel planes and made of metal material. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have made both the outer free edge portion and the inner edge portion of the

Art Unit: 3634

refrigerator door out of metal as taught by Kordes in order to have a strong refrigerator door that does not pose cracking and being easily damage.

Response to Amendment

Applicants' arguments with respect to claims 1-6, 8, and 12-20 have been considered but are moot in view of the new grounds of rejection.

The new grounds of rejection were necessitated by applicant's amendment, e.g., "being a fastening element of a door seal ", see claim 1, lines 10-11, and "said free edge portion and said edge portion being vertically offset in parallel planes", see claim 16, lines 6-7.

With respect to applicants' arguments that Pasqualini et al. do not show a thermally insulating couple "being a fastening element of a door seal" the examiner respectfully disagrees, it should be noted that the examiner considers the plastic member (1) as a thermal insulating couple since it connected between the edge portions of a refrigerator door and prevent thermal exchange between the foam material and a gap opening defined between two edge portions of the refrigerator door. Further, the thermal insulating couple of Figure 4 embodiment is a fastener element since it connected between two edge portions of the refrigerator door and connecting a door seal member (11) thereof. With respect to applicants' arguments on page 12 that "the fastening element and seal are one piece construction of uniform material" is not commensurate with the scope of the claim and it appears that applicants are relying

Art Unit: 3634

upon the specification to impart to the claims limitations otherwise not recited therein.

This reliance is ineffective.

Applicants' amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khoa Tran whose telephone number is (703) 306-3437. The examiner can normally be reached on Monday through Thursday from 9:30 A.M. to 7:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola, can be reached on (703) 308-2686. The fax phone number for this Group before a final Office action is (703) 872-9326 and after a final Office action is (703) 872-9327.

Application/Control Number: 09/933,054
Art Unit: 3634

Page 6

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2168.

Khoa Tran

November 16, 2003

A handwritten signature in black ink that reads "Daniel P. Stodola". The signature is written in a cursive style with a large, looping initial 'D'.

DANIEL P. STODOLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600